



Appeal Decision

Site visit made on 24 October 2022

by S Crossen BA (Hons) PgCert PgDip MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 December 2022

Appeal Ref: APP/W2845/W/22/3294014

17 Main Road, Hackleton NN7 2AB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs Oyebo Botterill against the decision of West Northamptonshire Council.
 - The application Ref WNS/2021/1249/FUL, dated 22 July 2021, was refused by notice dated 21 December 2021.
 - The development is for a proposed new dwelling on land adjacent.
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Decision

1. The appeal is allowed and planning permission is granted for a new dwelling on land adjacent to 17 Main Road, Hackleton, NN7 2AB in accordance with the terms of the application, Ref WNS/2021/1249/FUL, dated 22 July 2021, subject to the conditions set out in the attached schedule.

Main Issues

2. The main issues are the effect of the proposed development on the character and appearance of the area and whether the proposed dwelling would provide acceptable living conditions for future occupiers with regard to garden space.

Reasons

Character and appearance

3. The appeal site comprises the side garden and one half of a double garage to a corner semi-detached house which has a side gable roof design. The new detached dwelling with side gable roof would be at the end of a staggered row of two pairs of semi-detached houses, would face the highway and would be approximately 45 degrees to the corner semi-detached house. These houses have front and rear gardens, the rear garden for the new dwelling would meet the side garden boundary of the corner house.
4. Unlike the neighbouring houses the new dwelling would be detached and would be narrower than one half of the pair of semis. However, the roof would be a side gable design with similar materials proposed, matching the adjacent houses. The front elevation would be built in line with nearest house at the end of the row facing Main Road and it would have a similar eaves and ridge height to the corner house. In all these respects the dwelling would reflect the characteristic features of the neighbouring houses and the street scene.
5. Its proposed relationship with the corner house is similar to the existing relationship between neighbouring houses here and the retention of one half of

the double garage and angle to the corner house ensures that the development would have space between both neighbouring houses, providing sufficient space so not to appear cramped.

6. It is acknowledged that the depth of the house would be greater than the existing houses and that the rear garden has an unusual shape to provide outdoor space for both the corner and proposed house, however the depth of the dwelling has a very limited impact from the public realm because the front of the house is in line with others in the same row. Also the rear garden would not be visible from the public realm.
7. For these reasons I conclude that the proposal would not adversely affect the character and appearance of the area. It therefore accords with policies SS2 and GS4 of the South Northamptonshire Part 2 Local Plan 2011-2029 adopted July 2020, Policy HNDP1 of the Hackleton Neighbourhood Development Plan 2021-2029 made December 2021, and Chapter 4.7 of the South Northamptonshire Design Guide adopted July 2017. These policies and this guidance seek, amongst other things, new development to provide good design that is sustainable and appropriate to its location, scale and function.

Living conditions

8. The Council in their statement advise that the private amenity space does not comply with the guidance found in the South Northamptonshire Design Guide which states that garden depths should be 9m as a minimum. This guidance is amongst other things seeks to ensure adequate external amenity space for residents.
9. Notwithstanding the contrived layout, the proposed garden area is sufficient to provide outdoor space for future occupants because it provides sufficient room for sitting out, drying clothes, outdoor play and/or to facilitate typical recreational activities that occupiers of a house of this size could reasonably expect to be able to carry out.
10. I conclude that the proposal would provide acceptable living conditions for future occupiers with regard to garden space. It therefore accords with policies SS2 and GS4 of the South Northamptonshire Part 2 Local Plan 2011-2029 adopted July 2020, Policy HNDP1 of the Hackleton Neighbourhood Development Plan 2021-2029 made December 2021, and Chapter 4.7 of the South Northamptonshire Design Guide 2017. These policies and this guidance seek, amongst other things, new development to provide good design that is sustainable and appropriate to its location, scale and function.

Other Matters

11. Third parties have raised concern that a written agreement should be in place regarding the dismantling and re-building of the neighbouring garage prior to work commencing, this is not a matter that is material to the planning considerations of this proposal and such issues are covered by separate legislation.

Conditions

12. I have had regard to the conditions suggested by the Council. I have imposed a condition specifying the approved plans and relating to the commencement of the development as this provides certainty. I have imposed a pre-

commencement condition for a construction management condition statement prior to construction work commencing to protect neighbours from noise and disturbance. I also impose conditions relating to suitable drainage in the interests of managing wastewater and surface water runoff, conditions requiring details and maintenance of landscaping and requiring the development to be constructed from materials to match the existing dwelling, to protect the character and appearance of the area. I imposed a condition requiring an electric vehicle charging point to encourage the use of low emission transport and a condition for the parking spaces to be retained to ensure sufficient off street parking provision.

13. I have not imposed the suggested condition regarding land levels, and finished floor levels, because the submitted plans are sufficient in detail and so this requirement is unnecessary. I have not attached the suggested condition for the details of external electricity or gas meter boxes because they are not proposed so are not necessary. I have not included the suggested condition regarding the removal of permitted development rights as I do not consider that such a condition is justified having regard to the scale and nature of the proposal and to paragraph 53 of the Framework which states that planning conditions should not be used to restrict national permitted development rights unless there is a clear justification to do so.

Conclusion

14. For the reasons given above, and having had regard to the development plan as a whole and all other matters, I conclude that the appeal should be allowed.

S Crossen

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with the approved plans: B92-1 and B92-2A.
- 3) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
 - a) The parking of vehicles of site operatives and visitors;
 - b) The routeing of HGVs to and from the site;
 - c) Loading and unloading of plant and materials;
 - d) Storage of plant and materials used in constructing the development;
 - e) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - f) Wheel washing facilities including type of operation (automated, water recycling etc) and road sweeping;
 - g) Measures to control the emission of dust and dirt during construction;
 - h) A scheme for recycling/ disposing of waste resulting from demolition and construction works;
 - i) Delivery, demolition and construction working hours;

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

- 4) Before any above ground works commence a scheme for the provision and implementation of foul and surface water drainage shall be submitted to and approved in writing by the Local Planning Authority. The drainage works shall be constructed and completed in accordance with the approved plans before the first occupation of the dwelling hereby approved.
- 5) Prior to any development above slab level a scheme for landscaping the site shall be provided to and approved in writing by the Local Planning Authority which shall include:
 - a) details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas;
 - b) details of the existing trees and hedgerows to be retained as well as those to be felled;
 - c) details of the hard landscaping including hard surface areas, pavements, pedestrian areas and steps;

The approved scheme shall be implemented by the end of the first planting season following occupation of the development.

- 6) All planting, seeding or turfing comprised in the approved details of landscaping shall be maintained for a period of 5 years from the completion of the development. Any trees and/or shrubs which within a period of five years from the completion of the development die, are removed or become

seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

- 7) The materials, finish and architectural detailing to be used for the external walls, roof, doors and windows of the new dwelling hereby permitted shall match in terms of colour, type and texture those used at 17 Main Road Hackleton.
- 8) No dwelling hereby permitted (with a garage or driveway) shall be occupied until it has been provided with electric charging equipment of AC Level 2 (or equipment providing for no lesser standard of efficiency) to serve that dwelling.
- 9) The existing area shown for parking on the approved plan drawing no B92 2B shall be permanently set aside and reserved for that purpose.